

PN:WPC
2017R001023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

YAIR BABAYOFF,

Defendant.

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[PROPOSED]

ORDER

16-MJ-1151 (SMG)

Upon the application of RICHARD P. DONOGHUE, United States Attorney
for the Eastern District of New York, by Assistant United States Attorney William P.

Campos, it is hereby

ORDERED that the Petty Offense Violation, Number 6185385, filed under
Docket No. 16-MJ-1151, be dismissed [without] [with] prejudice as to defendant YAIR
BABAYOFF.

Dated: Brooklyn, New York
July __, 2019

Although acknowledging that defendant seeks a dismissal with prejudice, the Court is unaware of any authority it has to dismiss the violation with prejudice over the objection of the United States without an evidentiary hearing or other substantial, documented basis. Accordingly, the Violation is dismissed without prejudice, but defendant is afforded leave to file a formal to dismiss with prejudice, supported by authorities setting forth the applicable standard and affidavits and exhibits making the required evidentiary showing.

HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK